

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**FIRST AND FINAL APPLICATION FOR COMPENSATION AND
REIMBURSEMENT OF EXPENSES BY SPECIAL COUNSEL FOR DEBTORS**

To: The Honorable Roger L. Efremsky, United States Bankruptcy Judge:

The FIRST AND FINAL APPLICATION FOR INTERIM COMPENSATION AND REIMBURSEMENT OF EXPENSES BY SPECIAL COUNSEL FOR DEBTORS¹ (the "Application") of Gifford, Krass, Groh, Sprinkle, Anderson & Citkowski, P.C. ("Gifford" or your "Applicant") respectfully represents:

1. Notice

Notice of the hearing on this Application is being provided pursuant to this Court's ORDER LIMITING NOTICE entered on June 12, 2009, on the Debtors, the Official Committee of Unsecured Creditors and counsel for the Committee; all creditors listed on the Debtors' List of Creditors Holding 20 Largest Unsecured Claims; all secured creditors; the Office of the United States Trustee; and any party in interest who has requested special notice.

2. Employment Authorization

Prior to the Petition Date, the Debtors utilized the Applicant to advise and represent them on the matters described in the EX PARTE APPLICATION FOR ORDER AUTHORIZING AND APPROVING EMPLOYMENT OF SPECIAL COUNSEL PURSUANT TO 11 U.S.C. § 327(e) (the "Employment Application"), which was filed with this Court on July 9, 2009. The Employment Application sought to employ Gifford as special counsel to:

- a. Perform services as patent counsel including performing patentability searches, monitoring patent applications, tracking of critical due dates and patent prosecution, both in the United States and abroad; and
- b. Perform other related services as requested by the Debtors.

On July 17, 2009, this Court entered the ORDER GRANTING EX PARTE APPLICATION FOR ORDER AUTHORIZING AND APPROVING EMPLOYMENT OF SPECIAL COUNSEL PURSUANT TO 11 U.S.C. § 327(e) (the "Order") which authorized the Debtors to employ your Applicant as special counsel. A copy of the Order is attached hereto as **Exhibit "A"** and incorporated herein.

¹ Capitalized terms not defined herein are given the same meaning ascribed in the Employment Application.

1 **3. Applicant's Fees**

2 Applicant seeks final approval of its fees incurred in this Chapter 11 case from June 9, 2009
3 through March 31, 2010 (the "Application Period") in the amount of \$2,490. Your Applicant does
4 not anticipate any additional fees in this case. These fees can be broken down on a monthly basis as
5 follows:

Month	Fees	Total
July	\$ 960.00	\$ 960.00
January	\$ 540.00	\$ 540.00
February	\$ 570.00	\$ 570.00
March	\$ 420.00	\$ 420.00
Total Fees Incurred	\$ 2,490.00	\$ 2,490.00
Total Fees		2,490.00

6 **4. Prior Compensation**

7 This is the Applicant's first application for compensation in the within case.

8 **5. Source of Compensation**

9 The source of compensation to be paid to your Applicant is cash held by the Debtors and the
10 proceeds of the sale of assets to Sumitomo Precision Products Co., Ltd.

11 **6. History of the Case**

12 The full history and factual background for the cases, including the cases' success and
13 progress, may be found in the SECOND AND FINAL APPLICATION FOR COMPENSATION AND
14 REIMBURSEMENT OF EXPENSES BY ATTORNEYS FOR DEBTORS (the "Murray Application") filed by
15 Murray & Murray, bankruptcy counsel for the Debtors.

16 **7. Administrative Claims**

17 The only unpaid Chapter 11 administrative claims of which your Applicant is aware are those
18 sums owns to professionals of the Debtors, as set forth in the Murray Application.

19 **8. Cash on Hand**

20 As of February 26, 2010, the Debtors report in the Monthly Operating Report that it had cash
21 on hand of \$2,370,945.00.

22 ///

23 ///

1 **9. Project Billing**

2 Due to the limited nature of the Applicant's request (under \$10,000), and as allowed in the
3 GUIDELINES FOR COMPENSATION AND EXPENSE REIMBURSEMENT OF PROFESSIONALS AND TRUSTEES
4 the Applicant's time records are not divided into project billing categories.

5 During the Application Period the Applicant spent time monitoring patent applications and
6 tracking critical due dates, both in the United States and abroad. This included the review of the
7 Debtors' patent portfolio and correspondence with foreign counsel regarding expiring patents.
8 Applicant's fees related to this work are set forth and described in detail in the time record attached
9 as **Exhibit "B"**.

10 **10. Billing Summary**

11 In the course of its representation of the Debtors for this Application Period, the Applicant
12 has devoted 8.3 hours of professional time in the performance of such services as indicated on
13 **Exhibit "B"**.

14 **11. No Sharing Of Compensation**

15 The Applicant has not shared any prior compensation and no agreement or understanding
16 exists between Gifford and any other person for the sharing of compensation received or to be
17 received for services rendered in, or in connection with, this case, except with the regular partners of
18 Gifford.

19 **12. Unpaid Chapter 11 Expense Of Administration Claims**

20 The only unpaid Chapter 11 expense of administration claims, other than the claim of your
21 Applicant as set forth herein, are those of the Debtors' other professionals, as set forth in the Murray
22 Application. Your Applicant is advised by the Debtors that all other obligations incurred by the
23 Debtors since the commencement of the case are being paid in the ordinary course of the Debtors'
24 business.

25 **13. Relief Requested**

26 By this Application, Gifford seeks allowance and approval of payment for all fees incurred
27 by Gifford in its representation of the Debtors during this Application Period but not yet
28 compensated or reimbursed. Specifically, Gifford requests final approval of its Chapter 11 fees

1 incurred during this Application Period in the amounts of \$2,490. In view of the time expended, the
2 responsibilities assumed, and the reputation and skill of Gifford in the field of patent law, Gifford
3 respectfully submits that the foregoing represents the reasonable value of the services rendered.
4 Gifford believes that the services rendered were necessary, and that the fees requested constitute
5 reasonable and necessary fees expended on behalf of the estate.

6 **WHEREFORE**, the Applicant prays that this Court enter its Order (i) approving the
7 attorneys' fees incurred by Applicant in its representation of the Debtors from June 9, 2009 through
8 March 31, 2010 in the sum of \$2,490; (ii) authorizing and directing the Debtors to pay Applicant the
9 sum of \$2,490 for services rendered from June 9, 2009 through March 31, 2010 but not yet
10 compensated; and (iii) for such other and further relief as the Court deems just and proper.

11 Dated: April 6, 2010

Respectfully submitted,

12 **GIFFORD, KRASS, GROH, SPRINKLE, ANDERSON**
13 **& CITKOWSKI, P.C.**

14 By: /s/ Avery N. Goldstein

15 Avery N. Goldstein
16 Special Counsel for Debtors
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

3
4
5
6

7

8
9
0

1
2

3
4
5

6
78
90
1
23
4

5

7
8

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT INDEX

EXHIBIT A	Order Authorizing and Approving Employment of Counsel
EXHIBIT B	Billing Detail
EXHIBIT C	Letter to Debtors re First Application

1 AVERY N. GOLDSTEIN (P54063, MD)
2 GIFFORD, KRASS, GROH, SPRINKLE,
3 ANDERSON & CITKOWSKY, P.C.
4 2701 Troy Center Drive, Suite 330
5 Troy, MI 48007-7021
6 Telephone: 248-647-6000
7 Facsimile: 248-647-5210
8 Email: agoldstein@patlaw.com

9 Attorneys for Debtors

10 UNITED STATES BANKRUPTCY COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 In re:	)	Jointly Administered Chapter 11 Cases
14)	
15 ATI LIQUIDATING, INC.,	)	Case No. 09-54511-RLE-11
16 formerly known as)	
17 Aviza Technology, Inc.,)	
18 Employer's Tax ID No.: 20-1979646)	
19)	
20 AI LIQUIDATING, INC.,	)	Case No. 09-54514-RLE-11
21 formerly known as Aviza, Inc.,)	
22 Employer's Tax ID No.: 20-0249205)	
23)	
24 TTI LIQUIDATING, INC.,	)	Case No. 09-54515-RLE-11
25 formerly known as)	
26 Trikon Technologies, Inc.,)	
27 Employer's Tax ID No.: 95-4054321)	
28)	
Debtor(s).	)	Date: April 28, 2010
	)	Time: 10:30 a.m.
	)	Place: United States Bankruptcy Court
	)	280 S. First Street, Room 3099
	)	San Jose, CA 95113
440 Kings Village Road	)	Judge: Honorable Roger L. Efremsky
Scotts Valley, CA 95066)	

EXHIBIT "A"

To

FIRST AND FINAL APPLICATION FOR COMPENSATION AND REIMBURSEMENT
OF EXPENSES BY SPECIAL COUNSEL FOR THE DEBTORS
(GIFFORD, KRASS, GROH, SPRINKLE, ANDERSON & CITKOWSKI, P.C.)

EXHIBIT COVER



The following constitutes
the order of the court. Signed July 17, 2009


Roger L. Efremsky
U.S. Bankruptcy Judge

1 JOHN WALSHE MURRAY (074823)
2 ROBERT A. FRANKLIN (091653)
3 DORIS A. KAEIN (162069)
4 MURRAY & MURRAY
5 A Professional Corporation
6 19400 Stevens Creek Blvd., Suite 200
7 Cupertino, CA 95014-2548
8 Telephone: (650) 852-9000; (408) 907-9200
9 Facsimile: (650) 852-9244
10 Email: jwmurray@murraylaw.com
11 Email: rfranklin@murraylaw.com
12 Email: dkaelin@murraylaw.com

13 Attorneys for Debtors

14
15 UNITED STATES BANKRUPTCY COURT
16
17 NORTHERN DISTRICT OF CALIFORNIA
18
19 SAN JOSE DIVISION

13 In re:	)	Jointly Administered Chapter 11 Cases
14)	
15 AVIZA TECHNOLOGY, INC.,	)	Case No. 09-54511-RLE-11
16 A Delaware corporation)	
17 Employer's Tax ID No.: 20-1979646)	
18)	
19 AVIZA, INC.,	)	Case No. 09-54514-RLE-11
20 A Delaware corporation)	
21 Employer's Tax ID No.: 20-0249205)	
22)	
23 TRIKON TECHNOLOGIES, INC.,	)	Case No. 09-54515-RLE-11
24 A Delaware corporation)	
25 Employer's Tax ID No.: 95-4054321)	
26)	
27 Debtor(s).	)	[No Hearing Requested]
28)	
440 Kings Village Road)	
Scotts Valley, CA 95066)	

26 ORDER GRANTING EX PARTE APPLICATION FOR ORDER AUTHORIZING AND APPROVING
27 EMPLOYMENT OF SPECIAL COUNSEL PURSUANT TO 11 U.S.C. § 327(e)
28 (GIFFORD, KRASS, GROH, SPRINKLE, ANDERSON & CITKOWSKI, P.C.)

1 The EX PARTE APPLICATION FOR ORDER AUTHORIZING AND APPROVING EMPLOYMENT OF
2 SPECIAL COUNSEL PURSUANT TO 11 U.S.C. § 327(e) (the "Application") of Aviza Technology, Inc.,
3 Aviza, Inc., and Trikon Technologies, Inc., the debtors and debtors in possession (the "Debtors") in
4 the above-captioned jointly administered Chapter 11 cases, seeking authority to employ Gifford,
5 Krass, Groh, Sprinkle, Anderson & Citkowski, P.C. ("Gifford") as their special counsel in these
6 cases having been filed with the Court; it appearing to the Court that Gifford does not hold or
7 represent an interest adverse to the Debtors or to the estates for the matters on which it is to be
8 employed; that Gifford's employment is necessary and is in the best interest of the bankruptcy
9 estates; it further appearing to this Court that notice or a hearing on said Application is not necessary
10 or appropriate; and good cause appearing therefor,

11 IT IS HEREBY ORDERED as follows:

- 12 1. The Application is approved.
- 13 2. The Debtors are authorized to employ Gifford as Debtors' special counsel in aid of
14 these proceedings, upon the terms and conditions set forth in the Application, effective as of the
15 Petition Date.
 - 16 2. The Debtors are authorized to employ Gifford for the following purposes upon the
17 terms and conditions described in the Application:
 - 18 a. Perform services as patent counsel including performing patentability
19 searches, monitoring patent applications, tracking of critical due dates, and patent prosecution, both
20 in the United States and abroad; and
 - 21 b. Perform other related services as requested by the Debtors.
 - 22 3. It is not necessary for the Debtors to file separate applications for authority to employ
23 Gifford in the Aviza, Inc. and Trikon Technologies, Inc. cases, and that the Application and this
24 order approving it, will suffice as authority for the Debtors' employment of Gifford in all three
25 jointly administered cases.
 - 26 4. Gifford may maintain a single record of attorneys' time and costs for all three
27 bankruptcy estates.

28 **END OF ORDER**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Court Service List

Debtor

Patrick C. O'Connor
Aviza Technology, Inc.
440 Kings Village Road
Scotts Valley, CA 95066

U.S. Trustee

Office of the U.S. Trustee
Attn: Nanette Dunas
U.S. Federal Building
280 S. First Street, #268
San Jose, CA 95113-3004

Attorneys for Debtor

John Walshe Murray
Murray & Murray
A Professional Corporation
19400 Stevens Creek Blvd., Suite 200
Cupertino, CA 95014-2548

AVERY N. GOLDSTEIN (P54063, MD)
GIFFORD, KRASS, GROH, SPRINKLE,
ANDERSON & CITKOWSKY, P.C.
2701 Troy Center Drive, Suite 330
Troy, MI 48007-7021
Telephone: 248-647-6000
Facsimile: 248-647-5210
Email: agoldstein@patlaw.com

Attorneys for Debtors

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re:	)	Jointly Administered Chapter 11 Cases
)	
ATI LIQUIDATING, INC.,	)	Case No. 09-54511-RLE-11
formerly known as)	
Aviza Technology, Inc.,)	
Employer's Tax ID No.: 20-1979646)	
)	
AI LIQUIDATING, INC.,	)	Case No. 09-54514-RLE-11
formerly known as Aviza, Inc.,)	
Employer's Tax ID No.: 20-0249205)	
)	
TTI LIQUIDATING, INC.,	)	Case No. 09-54515-RLE-11
formerly known as)	
Trikon Technologies, Inc.,)	
Employer's Tax ID No.: 95-4054321)	
)	
Debtor(s).	)	Date: April 28, 2010
	)	Time: 10:30 a.m.
	)	Place: United States Bankruptcy Court
	)	280 S. First Street, Room 3099
440 Kings Village Road	)	San Jose, CA 95113
Scotts Valley, CA 95066	)	Judge: Honorable Roger L. Efremsky

EXHIBIT "B"

To

**FIRST AND FINAL APPLICATION FOR COMPENSATION AND REIMBURSEMENT
OF EXPENSES BY SPECIAL COUNSEL FOR THE DEBTORS
(GIFFORD, KRASS, GROH, SPRINKLE, ANDERSON & CITKOWSKI, P.C.)**

EXHIBIT COVER

GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C.

PATENT, TRADEMARK, AND COPYRIGHT PRACTICE
P.O. BOX 7021
TROY, MICHIGAN 48007-7021
(248) 647-6000
Facsimile (248) 647-5210

Aviza Technology
c/o The Law Office of Murray and Murray
Attention: John Walshe Murray, Esq.
19400 Stevens Creek Blvd.
Suite 200
Cupertino, CA 95014

Invoice Date: October 31, 2009
Bill Through Date: October 26, 2009
Invoice Number: 67154
Our Reference: 38AVZB

Invoice Detail

AVZB-1000/38 - GENERAL MATTERS

PROFESSIONAL SERVICES

07/22/09	ANG	Services rendered relating to the indicated file including portfolio review and maintenance.	3.20 hrs	300.00/hr	\$960.00
Total Professional Services for this matter:					\$960.00

Invoice Summary

PH.D., Avery N. Goldstein	3.20 hrs	\$300.00/hr	\$960.00
TOTAL PROFESSIONAL SERVICES			\$960.00
Foreign associate's services a			\$0.00
TOTAL DISBURSEMENTS INCURRED			\$0.00
NET CURRENT CHARGES			\$960.00
TOTAL BALANCE NOW DUE			\$960.00

ANG SERVICES RE AVZ BANKRUPTCY
38AVZB

-2-

GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C.
PATENT, TRADEMARK AND
COPYRIGHT PRACTICE P.O. BOX
7021
TROY, MICHIGAN
48067-7021 (248)
647-6000
Facsimile (248) 647-5210

Rachel Patience Ragni
Murray & Murray
A Professional Corporation
19400 Stevens Creek Boulevard, Suite 200
Cupertino, California 95014-2526
Tel (650) 852-9000
Fax (650) 852-9244

Invoice Date: March 30,
Bill Through Date: 2010 March
30, 2010

Invoice Detail

Gifford Ref. No.: AVZA-10080/38
Client Ref: Aviza

PROFESSIONAL
SERVICES

01/11/10	ANG	Review of Aviza US and foreign portfolio.	1.8 hrs 300.00/hr	\$540
02/12/10	ANG	Review of Aviza US and foreign portfolio	1.1 hrs 300.00/hr	\$330
2/24/10	ANG	Correspondence with Taiwanese counsel regarding disposition of AVZ-10954/38	0.80 hrs 300.00/hr	\$240
03/09/10	ANG	Review of Aviza US and foreign portfolio.	1.4 hrs 300.00/hr	\$420
		Total		\$1530

1 AVERY N. GOLDSTEIN (P54063, MD)
2 GIFFORD, KRASS, GROH, SPRINKLE,
3 ANDERSON & CITKOWSKY, P.C.
4 2701 Troy Center Drive, Suite 330
5 Troy, MI 48007-7021
6 Telephone: 248-647-6000
7 Facsimile: 248-647-5210
8 Email: agoldstein@patlaw.com

9 Attorneys for Debtors

10 UNITED STATES BANKRUPTCY COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 In re:	)	Jointly Administered Chapter 11 Cases
14)	
15 ATI LIQUIDATING, INC.,	)	Case No. 09-54511-RLE-11
16 formerly known as)	
17 Aviza Technology, Inc.,)	
18 Employer's Tax ID No.: 20-1979646)	
19)	
20 AI LIQUIDATING, INC.,	)	Case No. 09-54514-RLE-11
21 formerly known as Aviza, Inc.,)	
22 Employer's Tax ID No.: 20-0249205)	
23)	
24 TTI LIQUIDATING, INC.,	)	Case No. 09-54515-RLE-11
25 formerly known as)	
26 Trikon Technologies, Inc.,)	
27 Employer's Tax ID No.: 95-4054321)	
28)	
Debtor(s).	)	Date: April 28, 2010
	)	Time: 10:30 a.m.
	)	Place: United States Bankruptcy Court
	)	280 S. First Street, Room 3099
	)	San Jose, CA 95113
	)	Judge: Honorable Roger L. Efremsky
440 Kings Village Road)	
Scotts Valley, CA 95066)	

EXHIBIT "C"

To

FIRST AND FINAL APPLICATION FOR COMPENSATION AND REIMBURSEMENT
OF EXPENSES BY SPECIAL COUNSEL FOR THE DEBTORS
(GIFFORD, KRASS, GROH, SPRINKLE, ANDERSON & CITKOWSKI, P.C.)

EXHIBIT COVER

ERNEST I. GIFFORD (1)
ALLEN M. KRASS
DOUGLAS W. SPRINKLE
THOMAS E. ANDERSON (1)
RONALD W. CITKOWSKI
JULIE A. GREENBERG
DOUGLAS J. McEVoy
JOHN G. POSA
DOUGLAS L. WATHEN
AVERY N. GOLDSTEIN, Ph.D.
MARK D. SCHNEIDER
KEVIN S. MacKENZIE
JULIE K. STAPLE, Ph.D.
MARTIN S. BANCROFT, Ph.D. (2)
MARK A. HARPER, Ph.D.
JOHN CHAU
CESARE A. SCLAFANI
ERIN B. KLUG
WESTON R. GOULD, Ph.D. (3)

(1) ALSO ADMITTED IN FLORIDA
(2) ALSO ADMITTED IN NEW YORK
(3) ONLY ADMITTED IN CONNECTICUT



PATENT, TRADEMARK & COPYRIGHT PRACTICE

GIFFORD,
KRASS,
SPRINKLE,
ANDERSON &
CITKOWSKI, P.C.

MAIN OFFICE
2701 TROY CENTER DRIVE
SUITE 330
P.O. BOX 7021
TROY, MICHIGAN 48007-7021
TELEPHONE (248) 647-6000
FAX (248) 647-5210

ANN ARBOR OFFICE
303 DETROIT STREET
SUITE 300
ANN ARBOR, MICHIGAN 48104-1144
TELEPHONE (734) 913-9300
FAX (734) 913-6007

FLORIDA OFFICE
101 WEST VENICE AVENUE
SUITE 28
VENICE, FLORIDA 34285
TELEPHONE (941) 488-4245

INFO@PATLAW.COM
WWW.PATLAW.COM

ATI LIQUIDATING, INC.

Aviza Technology, Inc.
440 Kings Village Road
Scotts Valley, CA 95066

Attn.: Patrick C. O'Connor
Chief Executive Officer

AI LIQUIDATING, INC.

fka Aviza, Inc.
440 Kings Village Road
Scotts Valley, CA 95066

Attn.: Patrick C. O'Connor
Chief Executive Officer

TTI LIQUIDATING, INC.

fka Trikon Technologies, Inc.
440 Kings Village Road
Scotts Valley, CA 95066

Attn.: Patrick C. O'Connor
Chief Executive Officer

Re: ATI Liquidating, Inc.; Case No. 09-54511-RLE-11
AI Liquidating, Inc.; Case No. 09-54514-RLE-11
TTI Liquidating, Inc.; Case No. 09-54515-RLE-11

Dear Mr. O'Connor:

Enclosed please find a copy of THE GIFFORD KRASS FIRST AND FINAL APPLICATION FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES BY ATTORNEYS FOR DEBTOR which we are filing with the United States Bankruptcy Court (the "Bankruptcy Court"). The hearing on this application will be conducted in the Bankruptcy Court on April 28, 2010 at 10:30 o'clock a.m. before the Honorable Roger L. Efremsky.

The Court's Guidelines for Compensation and Reimbursement of Professionals and Trustees provide that a debtor in possession, a trustee or an official committee must exercise reasonable business judgment in monitoring fees and expenses of the estate's professionals. We invite you to discuss any objections, concerns or questions you may have with us. The Office of the United States Trustee will

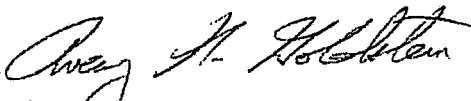
**GIFFORD, KRASS, SPRINKLE,
ANDERSON & CITKOWSKI, P.C.**

ATI Liquidating, Inc.
AI Liquidating, Inc.
TTI, Inc.
April 7, 2010
Page 2

also accept your comments. The Court will also consider timely filed objections by any party in interest at the time of the hearing.

Very truly yours,

Gifford, Krass, Sprinkle, Anderson & Citkowski, P.C.
A Professional Corporation

By 
Avery M. Goldstein, Ph.D.